



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

AES/DCP/DKK  
F.#2014R00501

*271 Cadman Plaza East  
Brooklyn, New York 11201*

December 17, 2017

By Hand and ECF

Honorable Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Evan Greebel  
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

The parties respectfully submit this letter in joint response to the Court's order this evening seeking our positions regarding Juror #9. In the event Juror #9 cannot be in Court tomorrow, December 18, 2017, the parties would consent to excusing that juror and seating Alternate Juror #1 in her place. However, the parties respectfully request that the Court wait to formally excuse Juror #9 until the parties can determine if there are other jurors who do not come to court tomorrow, but have not yet advised the Court of his or her absence. In the event a number of jurors do not arrive on Monday and we cannot proceed with trial until Tuesday, it is possible that Juror #9's health will have improved and we would not have to excuse her.

Respectfully submitted,

BRIDGET M. ROHDE  
Acting United States Attorney

By: /s/  
Alixandra E. Smith  
David C. Pitluck  
David K. Kessler  
Assistant U.S. Attorneys  
(718) 254-7000

cc: Defense Counsel (by ECF)